

REMARKS

Claims 33-38 were pending in this Application. Claims 35 and 38 were canceled herein. Claim 39 has been newly added. Hence, claims 33-34, 36-37, and 39 are now pending in this Application.

New claim 39 was added in order to more fully capture the invention. Support for the new claim may be found throughout the application in general and at least on page 7, lines 21-31.

No new matter was added.

Objection to the Drawings

The Drawings are objected to under 37 C.F.R. 1.83(a) because the Examiner contends the Drawings do not show two or more sideways, as recited in claims 35 and 38.

Claims 35 and 38 have been canceled. Accordingly, Applicant respectfully requests withdrawal of the objection against the Drawings.

Rejection of the Claims

Claims 33-38 were rejected under 35 U.S.C. 102(b) as being anticipated by Holmberg (US. Patent No. 1,412,784). In making the rejection, the Examiner states the following:

Holmberg '784 teaches all the limitations of the above claims including a modular vault with a seamless (page 1, column 2, lines 75-81) housing body (5) with front, rear, side, roof and floor walls forming an unitarily single piece, having a door (6) in an opening in the front wall connected to a doorframe of hinges (see figure), more than two side walls or double walls (4), and the vault is fire resistant and burglary proof.

Claims 33-34 and 36-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Holmberg in view of Speer (U.S. Patent No. 5,439,817). In making the rejection, the Examiner states the following:

Holmberg '784 teaches all the limitations of the above claims except the use of hooks. Speer '817 teaches the use of hooks to hoist an enclosed container. It would have been obvious for one skilled in the art at the time the invention was made to modify the vault as taught by Holmberg '784 to provide integrated hooks to hoist the vault into a building onto office floors above the basement as taught by '817, since providing integrated hooks require only routine skill in the art.

These rejections are respectfully traversed.

### The Claimed Invention

The present invention, as recited in independent claim 33, is directed to a modular vault. The vault comprises a seamless housing body that is unitarily formed as a single piece. The seamless housing body has portions that define a **front wall**, a rear wall, two side walls, a roof, and a floor. The front wall has a door opening therethrough. A doorframe of the modular vault is positionable in the door opening, and a door of the modular vault is mountable in the doorframe. The door is preferably fire resistant and burglary proof. See, e.g., page 7, lines 5-17; Figure 4.

Independent claim 36 is directed to a modular **walk-in** vault and recites similar limitations.

Independent claim 39 is directed to a method of installing a modular walk-in vault. The method comprises prefabricating the modular walk-in vault at a remote facility, transporting the prefabricated modular walk-in vault to a desired location, and lowering the modular walk-in onto a footing at the desired location with substantially no additional assembly.

An advantage of the claimed invention is the housing body is unitarily formed as a single piece. As such, the modular vault can be entirely prefabricated at a remote facility, then transported to a desired location for installation. To install, the modular vault can be conveniently dropped into place without any additional assembly. Thus, the expense and difficulty associated with constructing a vault in-place are avoided. Another advantage is that the housing body is seamless. The seamless housing body renders the modular vault vapor-tight and, therefore, better able to protect the contents of the vault from external environmental influences. See, e.g., page 7, lines 11-31; Figures 5-6.

**Arguments in Support of the Claims**

To anticipate a claim, a prior art reference must teach each and every element of the claim. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Id. at 631.)

With regard to claims 33 and 36, Applicant respectfully submits that neither Holmberg nor Speer, nor any other art of record (taken alone or in combination), teaches each and every element of the claim. The Examiner contends that Holmberg teaches a modular vault having a door (6) in an opening in the front wall. Applicant respectfully disagrees. The vault in Holmberg does not have a front wall at all because the door (6) takes up the entire opening. Thus, Holmberg cannot possibly be construed to disclose a front wall having a door opening therethrough, as recited in the independent claims.

Speer fails to even disclose a modular vault, much less one having a front wall with a door opening therethrough. Speer merely disclose a mobile workshop. Therefore, even

assuming there is motivation to combine, and that the two references may be combined in some meaningful manner, the resulting combination would not produce the claimed invention.

Moreover, with respect to claim 36, neither Holmberg nor Speer (nor any other art of record) teaches a **walk-in vault**. To the contrary, Holmberg discloses that his invention relates to fireproof **furniture**, such as **safes**, filing cabinets, strong boxes and **similar articles**. None of these items could possibly be construed as a **walk-in vault**. The distinction is important because a walk-in vault allows a person to actually enter into the vault, whereas one would not be able to walk into a safe. And as mentioned above, Speer is not directed to a vault at all, but is instead directed to mobile workshop.

Accordingly, for at least the reasons stated above, withdrawal of the rejections against claim 33 and 36 is respectfully requested.

As for the dependent claims 34 and 37, although they may recite independently allowable subject matter, these claims depend from claims 33 and 36, respectively, and are therefore allowable for at least the same reasons. Accordingly, withdrawal of the rejection against the dependent claims is also respectfully requested.

### CONCLUSION

The rejections raised by the Examiner have been addressed, and Applicants submit that the claims are now in condition for allowance, which action is respectfully requested. If any questions or issues remain and the resolution of which the Examiner feels will be advanced by a conference with the Applicants' attorney, the Examiner is invited to contact the attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge any fee which may be required, or credit any overpayment, to Deposit Account No. 10-0447, Reference No. 41241-6USD1 (DGN).

Respectfully submitted,

JENKENS & GILCHRIST

Date:

8/7/03

Jenkens & Gilchrist  
A Professional Corporation  
1100 Louisiana, Suite 1800  
Houston, Texas 77002  
Telephone No.: (713) 951-3354  
Telecopy No.: (713) 951-3314

By:



Daniel G. Nguyen  
Reg. No.: 42,933